

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

BOARD OF TRUSTEES SHEET METAL
WORKERS' NATIONAL PENSION FUND,
et al.,

Plaintiffs,

v.

NEW YORK CHUTES, LLC,

Defendant.

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Case No. 1:22-cv-1294 (PTG/WEF)

ORDER

This matter comes before the Court on Defendant's Motion to Dismiss (Dkt. 77) Plaintiffs' Second Amended Complaint. For the reasons stated from the bench, it is hereby

ORDERED that Defendant's Motion to Dismiss (Dkt. 77) is **GRANTED**; it is hereby

ORDERED that Count I of Plaintiffs' Second Amended Complaint (Dkt. 59) is **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that within twenty-one (21) days of the date of this Order, Plaintiffs shall file a third amended complaint.

Dated: February 22, 2024
Alexandria, VA



Patricia Tolliver Giles
United States District Judge